IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.06.2007

C O R A M :

THE HONOURABLE MR.A.P.SHAH, THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.A.Nos. 411 & 412 of 2007
and connected Miscellaneous Petitions

Koyambedu Banana Leaves Retail
and Wholesale Merchants Welfare
Sangam (Regd.No.35/2004) rep.
By its President Mr. N. Selvaraj
K-74 Periyar Market
Koyambedu, Chennai 600 092. ... Appellant in both the appeals/PEtitioner in WP NO. 27063/05

-vs-

1.The Member Secretary
Chennai Metropolitan
Development Authority
No.1 Gandhi Irwin Road
Egmore, Chennai 600 008.

2.The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market
Complex, Koyambedu
Chennai 600 092. .. 2 and 3 Respondents in WA.411/07 in WP NO. 412/07/Respondent in WP NO. 27063/05

सत्यमेव जयते
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1.Chennai Koyambedu Periyar Market
Thakkali Viyaparikal Sangam
rep. By its President
Mr. M. Thiagarajan
No.4, Anna Main Road
Jayalakshmi Nagar
Nerkundram, Chennai 107. ..1st Respondent in WA 412/07/Petitioner in WP NO. 1695/07

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Writ Appeals filed under Clause 15 of Letters Patent against the common order of the learned single Judge dated 27.02.2007 made in W.P.Nos.27063 of 2005 and W.P.No.1695 of 2007 respectively.

WP NO. 27063/05

Writ Petition filed under Article 226 of the Constitution of India praying for issue Writ of Mandamus, forbearing the respondents from interfering with the business of the Member of the Petitioner Sangham in loading and unloading of the bundles of banana leaves in the open space in between Gate No.14 and the Godown No.124 in the Koyambedu Wholesale Market Complex, Koyambedu, Chennai-92 and further direct the respondents, to allot the said space to the members of the petitioner sangam

WP NO. 1695/07

Writ Petition filed under Article 226 of the Constitution of India praying for issue Writ of Mandamus directing the to direct the 1st and 2nd respondents to take necessary action from encroaching the open space and truck parking area of B Block between N-124 godowon and gate No.14 in Koyambedu Wholesale Market Complex, Koyambedu Chennai 92 by the members of the 3rd respondent

(Prayer amended as per order dated 22.1.2007 in MP NO. 2 of 2007 in WP NO. 1695/07)

For appellant :: Mr. Parthasarathy
for Mr. A. Muthuraman.

For respondents :: Mr. J. Ravindran for R.1 in WA.411/07 & R.2 in WA.No.412/07

Mr. Su. Srinivasan for R.2 in WA.411/07 & R.3 in WA.412/07

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COMMON JUDGMENT

(DELIVERED BY P.JYOTHIMANI,J.)

In the writ petitions filed by the appellant, praying for forbearing the respondents from interfering with the business of the Members of the appellant Sangam in loading and unloading of the bundles of banana leaves in the open space in between Gate No.14 and the Godown No.A-124 in the Koyambedu Wholesale Market Complex, Koyambedu, Chennai 600 092, the learned single Judge, by order dated 27.02.2007, has issued directions to the Chennai Metropolitan Development Authority (in short, "C.M.D.A.") to revive the Koyambedu Market Management Committee and also to constitute a Monitoring Committee, consisting of the officials of C.M.D.A., apart from the office bearers of various Associations of

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traders, carrying on business in Koyambedu Market Complex and disposed the writ petition.

2. The case of the appellant is that the open space in between Gate No.14 and Godown No.A-124 in the Koyambedu Wholesale Market Complex, which is a place common for all, is being used for loading and unloading and inasmuch as the Koyambedu Market Management Committee was not constituted, the members of the appellant Sangam cannot be prevented from using the said place.

3. This Court has already granted an order of interim injunction restraining the respondents from in any way interfering with the business of the members of the appellant sangam by loading and unloading the bundles of banana leaves in the open space near the entrance of Gate No.14 and Godown No.A-124 in Koyambedu Wholesale Market Complex, until places for loading and unloading are earmarked and the said order of injunction continues as on today.

4. Now, it is not in dispute, as admitted by both the counsel for appellant as well as respondents that the first respondent has in fact constituted a Market Management Committee on 12.04.2007, and the said Committee, in its turn, has proposed to convene a meeting to appoint a Monitoring Committee, as directed by the learned single Judge. In view of the above said submission made by the counsel on either side, the writ appeals are disposed of with direction to the respondents to complete the constitution of Monitoring Committee and also earmark places for loading and unloading as stated above expeditiously, in any event, within a period of eight weeks from the date of receipt of copy of the order. We make it clear that, till finalisation, the order passed by this Court on 09.03.2007, shall continue to be in effect.

The writ appeal is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

kh

Sd/

Asst.Registrar

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Sub Asst.Registrar

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To

The Member Secretary
Chennai Metropolitan
Development Authority
No.1 Gandhi Irwin Road
Egmore, Chennai 600 008.

2. The Chief Administrative Officer
Market Management Committee
Koyambedu Wholesale Market
Complex, Koyambedu
Chennai 600 092.

+ one cc to Mr.A. Muthuraman, Advocate sr no. 32186

NSM(CO)
NM(14.06.07)

W.A.Nos.411 & 412 of 2007

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